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 Group Agency, LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RSUI INDEMNITY COMPANY, a New
 Hampshire Stock Company; and EVANSTON
 INSURANCE COMPANY, an Illinois corporation,

Plaintiffs,

vs.

SPORTSMAN'S ROYAL MANOR, LLC, a
 Nevada Limited Liability Company;
 DOMONIQUE BROWNING-PALMER,
 individually; GARY BRENNAN, individually;

Defendants.

SPORTSMAN'S ROYAL MANOR, LLC; GARY
 BRENNAN,

Counter-claimants,

vs.

RSUI INDEMNITY COMPANY; EVANSTON
 INSURANCE COMPANY; KAERCHER
 CAMPBELL & ASSOCIATES INSURANCE
 BROKERAGE OF NEVADA, LLC; KAERCHER
 INSURANCE, AN ALERA GROUP AGENCY,
 LLC and DOE DEFENDANTS 1-110; ROE
 DEFENDANTS 11-20;

Counter-defendants.

Case No: 2:20-cv-01484-CDS-DJA

**STIPULATION AND
~~PROPOSED~~ ORDER TO
 EXTEND DISCOVERY
 DEADLINES AND AMEND
 SCHEDULING ORDER**

[SIXTH REQUEST]

As amended on page 4

**STIPULATION AND PROPOSED ORDER TO EXTEND DISCOVERY
DEADLINES AND AMEND SCHEDULING ORDER [SIXTH REQUEST]**

The parties herein, Kaercher Campbell & Associates Insurance Brokerage of Nevada, LLC and Kaercher Insurance, an Alera Group Agency, LLC (collectively, “Kaercher Insurance”), and Dominique Browning-Palmer (“Browning-Palmer”), by and through their respective undersigned counsel, hereby submit this stipulation requesting that this Court extend the discovery deadlines in this matter as outlined in the Stipulation and Order to Extend Discovery Deadlines and Amend Scheduling Order [Fifth Request] (ECF No. 123) by an additional 120 days. This is the parties’ sixth request to extend discovery deadlines in this matter. The parties attended a private mediation on January 17, 2024 and, while the matter is not fully resolved, the parties were able to isolate discovery issues as set forth herein which will aid in the possible resolution of their dispute. Kaercher Insurance and Browning-Palmer are the only remaining parties in this case. This stipulation is entered into in good faith and not for the purposes of undue delay.

The current Scheduling Order provides the following deadlines:

Discovery Cut-Off Date	April 8, 2024
Initial Expert Disclosures	February 6, 2024
Rebuttal Expert Disclosures	March 11, 2024
Dispositive Motions	May 29, 2024
Proposed Joint Pre-Trial Order	June 10, 2024

Good cause exists to extend the discovery deadline by another 120 days. The parties have cooperated in discovery and recently participated in good faith at a mediation, however, it was not successful. They will now need to continue with additional remaining discovery which will isolate issues for possible resolution or trial.

The herein parties propose a change of the scheduling order to enable them to conduct further discovery on the remaining issues on the counterclaim.

1. Discovery completed

The discovery completed is incorporated from ECF No. 94. In addition, the

parties have taken the depositions of Kaercher witness Jacqueline Gibson, Sportsman's owner Gary Brennan, and Erin Ben-Samochan, Executive Manager of Sportman's.

2. Discovery to be completed

As above-stated, the parties need to conduct further discovery focused on the cross-claim / third-party complaint between Browning-Palmer and Kaercher and the assigned claims. The essence of Plaintiff's claim arises from the alleged failure of Kaercher to procure insurance properly. These discovery matters include the following:

- A. Depositions of the following witnesses:
 - i. FRCP 30(b)(6) representative of Kaercher;
 - ii. FRCP 30(b)(6) representative of Sportsman's;
 - iii. Dominique Browning-Palmer;
- B. Subpoena and depositions of custodian of records and 30(b)(6) witnesses for each of the following companies for claim and underwriting files related to Sportsman's
 - i. HUB International Insurance Services - Las Vegas, NV
 - ii. RSUI Insurance - Atlanta, GA
 - iii. RT Specialty, Casualty Division - Chicago, IL
 - iv. Arch Insurance - Omaha, NE
 - v. LP Insurance Services - Las Vegas, NV
 - vi. Swett & Crawford - Los Angeles, CA
- C. Discovery naturally flowing from custodian and 30(b)(6) depositions identified in 2B.i.-vi.;
- D. Expert disclosures, rebuttal and depositions.

The purpose of this discovery is to allow the parties to learn the efforts to place the risk and reasons for declination.

3. Reason why the remaining discovery cannot be completed within the time limits set by the Scheduling Order

Kaercher Insurance and Browning-Palmer are the only remaining parties in this case. Following their recent unsuccessful mediation, the parties are left with limited time to conduct the remaining discovery. Aside from the need to conduct depositions of the above-named witnesses, there are documents to be obtained from several insurance companies both in and out of state, which will then form part of the documents for review by the parties' expert witnesses. Good cause exists to extend the

discovery deadlines for 120 days to enable the parties sufficient time to complete these purposes.

4. Proposed discovery schedule

The parties agree and propose the following new discovery deadlines:

Discovery Cut-Off Date	August 6, 2024
Initial Expert Disclosures	June 5, 2024
Rebuttal Expert Disclosures	July 9, 2024
Dispositive Motions	September 26, 2024
Proposed Joint Pre-Trial Order	October 8, 2024

The parties stipulate and request that the Court enter an order approving the proposed discovery schedule as set forth above.

<p>Dated this 24th day of January, 2024</p> <p>MATTHEW L. SHARP, LTD.</p> <p><u>/s/ Matthew L. Sharp</u></p> <p>MATTHEW L. SHARP, ESQ. Nevada Bar No. 4746 432 Ridge St. Reno, NV 89509</p> <p><i>Attorney for Domonique Browning-Palmer</i></p>	<p>Dated this 24th day of January, 2024</p> <p>LIPSON NEILSON P.C.</p> <p><i>Joseph P. Garin</i></p> <p>JOSEPH P. GARIN, ESQ. Nevada Bar No. 6653 9900 Covington Cross Dr., Suite 120 Las Vegas, NV 89144</p> <p><i>Attorneys for Counterdefendants Kaercher Campbell & Associates Insurance Brokerage of Nevada, LLC; Kaercher Insurance, an Alera Group Agency, LLC</i></p>
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IT IS THEREFORE ORDERED that the parties' stipulation (ECF No. 125) is **GRANTED**.

However, given the parties' previous assurance to the Court that they would "not request any further extensions to discovery," (ECF No. 121), the Court will not grant any further extensions absent extreme unforeseeable circumstances.


DANIEL J. ALBREGTS
UNITED STATES MAGSITRATE JUDGE

DATED: January 26, 2024
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